

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

J&CL, INC. ) DOCKET NO.  
-vs- ) 00-0562  
ILLINOIS POWER COMPANY )  
Complaint as to misbilled service in )  
Aledo, Illinois. )

Springfield, Illinois  
November 14, 2000

Met, pursuant to notice, at 10:00 A.M.

BEFORE:

MR. DONALD L. WOODS, Examiner

APPEARANCES:

MR. ROD LEMON  
1551 East Broadway  
Monmouth, Illinois

(Appearing on behalf of Complainant.)

MR. RANDY CLEMENS  
500 South 22nd Street  
Decatur, Illinois 62521-2200

(Appearing on behalf of Respondent.)

SULLIVAN REPORTING COMPANY, by  
Carla J. Boehl, Reporter  
Ln. #084-002710

1 I N D E X  
2 WITNESSES DIRECT CROSS REDIRECT RECROSS  
3 NONE.

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10 I N D E X

11 EXHIBITS MARKED ADMITTED

12 NONE.

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1 PROCEEDINGS

2 EXAMINER WOODS: At this time we will call  
3 for hearing Docket 00-0562, J&CL, Inc., v. Illinois  
4 Power Company. This is a complaint concerning billing  
5 in Aledo, Illinois. This cause comes on for hearing  
6 November 14, 2000, before Donald L. Woods, duly  
7 appointed hearing examiner under the authority of the  
8 Illinois Commerce Commission. The cause was set today  
9 for a status hearing to discuss discovery scheduling  
10 and other matters.

11 At this time I take the appearances of  
12 the parties, please, beginning with the Complainant.

13 MR. LEMON: I am Rod Lemon. I am an agent  
14 for J&CL, Inc., a farm, and my address is 1551 East  
15 Broadway, Monmouth, Illinois.

16 EXAMINER WOODS: On behalf of Respondent.

17 MR. CLEMENS: I am Randy Clemens,  
18 C-L-E-M-E-N-S, senior attorney with Illinois Power  
19 Company. My address is 500 South 22nd Street,  
20 Decatur, Illinois.

21 EXAMINER WOODS: Any additional appearances?  
22 Let the record reflect no response. I believe the

1 record would also reflect that at the last hearing we  
2 had agreed to a discovery schedule. My understanding  
3 is that Mr. Lemon -- or Doctor Lemon did propound  
4 discovery requests to Illinois Power. Illinois Power  
5 filed a response to those requests. Prior to  
6 beginning today Mr. Lemon indicated he would also like  
7 to see any work papers that support Illinois Power's  
8 assertion that the meter in question in this docket  
9 was within Illinois Commerce Commission standards.

10 We have also had Doctor Lemon provide  
11 Mr. Clemens with a single sheet from Illinois Power as  
12 well as a spreadsheet. Mr. Clemens has reviewed those  
13 documents. He is going to be taking those back with  
14 him, seeing if there are any additional documents that  
15 would support Illinois Power's assertions concerning  
16 the accuracy of this meter.

17 In the event there are additional  
18 documents, he is to provide those to Doctor Lemon  
19 within a couple of weeks. We have agreed to set this  
20 cause over for an additional status hearing December  
21 15 at 10:00 a.m. At that time I have also encouraged  
22 the parties, although I have certainly not ordered

1       them, to perhaps engage in a conference call with a  
2       gentleman, I understand, by the name of Mr. Dawson  
3       (sp) and perhaps Mr. Perdia (sp) who are two Illinois  
4       Power engineers or field representatives who have also  
5       had dealings in this cause.

6               There is some indication in this case  
7       that a bit of this may be just talking at cross  
8       purposes since we think that there are at least some  
9       assertions by Illinois Power employees that the meter  
10      in question may not have been reliable. That's why we  
11      encourage the parties to engage in this conference  
12      call. This is, of course, without prejudice to either  
13      party and would be in the nature of settlement  
14      discussions. So certainly nothing that occurred  
15      during those conversations would have any bearing on  
16      the eventual outcome of this. They are simply  
17      encouraged to cooperate and see if we could at least  
18      discuss or arrive at a final determination of what's  
19      actually at issue as far as meter accuracy.

20             I also understand Doctor Lemon has  
21      additional assertions concerning the manner in which  
22      the tests were made. I don't think those can probably

1       be resolved as far as a conference call. But I think  
2       as far as the actual testing and the reliability of  
3       this meter, we may be able to get that worked out. Of  
4       course, in the event that we can't, we certainly are  
5       going to provide every party with the opportunity to  
6       go to hearing in this case. My understanding is that  
7       we will be doing prefiled testimony because the issues  
8       are somewhat complex. I will certainly look forward  
9       to setting a schedule for the filing of that prefiled  
10      testimony, as well as any necessary hearing, at the  
11      December 15 date.

12                   Does that accurately sum up what  
13      occurred, Doctor Lemon?

14                   DR. LEMON: Yes.

15                   EXAMINER WOODS: Mr. Clemens?

16                   MR. CLEMENS: Yes.

17                   EXAMINER WOODS: This cause is continued to  
18      December 15, 2000, at 10:00 a.m.

19                               (Whereupon the hearing in this  
20                               matter was continued until  
21                               December 15, 2000, at 10:00  
22                               a.m. in Springfield,  
                             Illinois.)

1       STATE OF ILLINOIS       )  
  )SS  
2       COUNTY OF SANGAMON       )  
      CASE NO.: 00-0562  
3       TITLE: J&CL, INC. V. ILLINOIS POWER COMPANY

4                               CERTIFICATE OF REPORTER

5               I, Carla J. Boehl, do hereby certify that I  
6       am a court reporter contracted by Sullivan Reporting  
7       Company of Chicago, Illinois; that I reported in  
8       shorthand the evidence taken and proceedings had on  
9       the hearing on the above-entitled case on the 14th day  
10      of November, 2000; that the foregoing 7 pages are a  
11      true and correct transcript of my shorthand notes so  
12      taken as aforesaid and contain all of the proceedings  
13      directed by the Commission or other persons authorized  
14      by it to conduct the said hearing to be so  
15      stenographically reported.

16              Dated at Springfield, Illinois, on this 27th  
17      day of November, A.D., 2000.

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20                               Certified Shorthand Reporter

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